



WESTERN.016C2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bloom et al.
Appl. No. : 10/690,054
Filed : October 21, 2003
For : GRIPPER ASSEMBLY FOR
DOWNHOLE TOOLS
Examiner : Hoang C. Dang
Group Art Unit : 3672

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 22, 2005

(Date)

Edward A. Schlatter, Reg. No. 32,297

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
UNDER 37 C.F.R. § 1.321(b)

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This Terminal Disclaimer is submitted in response to an Office Action mailed on August 22, 2005. In the Office Action, the Examiner rejected Claims 41-59 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-42 of U.S. Patent No. 6,464,003 (the '003 patent) and over Claims 1-41 of U.S. Patent No. 6,640,894 (the '894 patent).

Petitioner, WESTERN WELL TOOL, INC., a California corporation, certifies that it is the assignee and sole owner of the entire right, title, and interest in the patent application identified above by virtue of an assignment from the inventors. Petitioner also certifies that it is the assignee and sole owner of the entire right, title, and interest in both the '003 patent and the '894 patent, by virtue of an assignment from the inventors. A copy of the assignment of both the present application, the '003 patent, and the '894 patent is recorded at Reel 011721/Frame 0595.

In accordance with an earlier-filed terminal disclaimer, the terminal part of the '894 patent extending beyond the expiration date of the full statutory term of the '003 patent was

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disclaimed. That terminal disclaimer can be found in the Patent Office file for Application Serial No. 10/268,604.

Pursuant to 37 C.F.R. § 1.321(b), Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned application that would extend beyond the expiration date of the full statutory term of the '003 patent or the terminally disclaimed term of the '894 patent. Petitioner hereby agrees that a patent so granted on the above-captioned application will be enforceable only for and during such period that the legal title to the patent shall be the same as the legal title to both the '003 patent and the '894 patent. This agreement extends to the patent granted on the above-captioned application and will be binding on Petitioner's successors and assigns.

Petitioner does not disclaim any terminal part of a patent granted on the above-captioned application before the expiration of the full statutory term of the '003 patent, in the event that the '003 patent later: expires for failure to pay maintenance fees; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term.

Petitioner also does not disclaim any terminal part of a patent granted on the above-captioned application before the expiration of the terminally disclaimed term of the '894 patent, in the event that the '894 patent later: expires for failure to pay maintenance fees; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its terminally disclaimed term.

The undersigned representative verifies that he is authorized to take this action on behalf of the Petitioner.

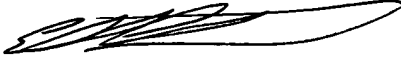
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 22, 2005 By: 
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